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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,812	11/24/2003	Jef W. Knutson	020366-092700US	6243
20350 7590 11/28/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
YAARY, MICHAEL D				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
11/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,812

Applicant(s)

KNUTSON ET AL.

Examiner

MICHAEL YAARY

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4-14 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 16 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 4-14, and 16-22 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112 second paragraph, for being unclear. It is unclear as to which claim the claim is suppose to depend from since claim 15 has been cancelled. Examiner is interpreting the dependency from claim 5 for examination purposes.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al. (hereafter Barrett)(US Pub. 2005/0039163).

5. Barrett was cited in the previous office action dated 05/29/2008.

6. **As to claim 22**, Barrett discloses a method for a user managing a development project using an Extreme Programming (XP) process (Col 1:0014, "...for managing a project,...") having a planned number of project components to be completed, (Col 1:0012, "...illustrating one or more project items of the project...") wherein the project is divided into a series of development periods,(Col 2:0031, "...A project may be broken down into several project phases...") with each project component assigned to one of the development periods, (Col 2:0032, "...A task is generally a specific function to be performed...") wherein for each development period there is a planned amount of work and a planned amount of resources, (Col 2:0032-0033, "...For example, the planning phase may have tasks such as to create a Product Requirements...") so that for each development period there is a total of work and a total of resources associated with project components within that development period, (Col 4:0052, "...a task is generally a specific function to be performed in the furtherance of the project...") and wherein the development project involves both the development of project components as well as the testing of project components,(Col 2:0031, "...may have a planning phase, an implementation phase...") the method comprising:

Providing a graphical user interface (GUI);(Col 2:0036-0037, "...The client may view the published web pages using a web browser...")

Displaying to the user at the GUI a graph illustrating for at least one development period(Col 6:0073-0076, "...the Gantt chart shows a project, there may be a set of bars for each phase of the project...") both the total work and the total resources for the development of project components during that development period; (Col 4:0053-0054, "...Task progress may be viewed in terms of when the effort actually occurs...", Col 4:0056, "...Tasks may be assigned to a resource...") and

Adjusting by the user of either the planned work or the planned resources or both, so that the impact of the adjustment can be observed the first graph displayed at the GUI. (Col 4:0056, "...information pertaining to a resource can be entered into the database by using client to access...", Col 6:0076, "...a Gantt illustrating tasks may be drilled-down to display a Gantt illustrating the resources assigned to the task...").

Allowable Subject Matter

Claims 1, 2, 4-14, and 17-21 are allowed.

Response to Arguments

Applicant's arguments filed 08/28/2008 have been fully considered but they are not persuasive.

Applicant argues that A) Barrett fails to disclose "adjusting either the planned work or the planned resources or both, so that the impact of the adjustment can be observed the first graph displayed at the GUI," as in claim 22.

As to argument A) examiner respectfully disagrees. As cited above para 0056 and 0076 disclose tasks may be assigned a resource. This is done by entering the information in a database for a particular resource. Thus, when given the broadest reasonable interpretation is equivalent to "adjusting either the planned work or the planned resources..." as a project phase is adjusted such that the completion date changes (pg. 4, paragraph 0050-0052). In addition, the broadest reasonable interpretation of Extreme Programming as outlined in the specification is a project wherein discrete sets of requirements / iterations or tasks is articulated. Thus smaller development projects. The teachings of Barrett mentions smaller development projects and this meets this definition as outlined herein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL YAARY whose telephone number is (571)270-1249. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./

Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./

Supervisory Patent Examiner, Art Unit 2193